

BEFORE THE BOARD OF ELECTRICAL EXAMINERS
DIVISION OF LABOR
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS

IN RE: Rick Hobby; Hobby Electric
2462 Mulberry Salem Rd.
Benton, AR 72019

ORDER

On this 18th day of January 2022, this matter came before the Arkansas Board of Electrical Examiners. Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the agency. Rick Hobby and his legal counsel, David Gershner, appeared before the Board via zoom. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. On October 26, 2021, the England City Inspector, Paul Wilson, contacted Travis Young (“Young”), an electrical inspector with the Department of Labor and Licensing regarding electrical work performed on a “new C-Store” in England, Arkansas by Rick Hobby of Hobby Electric Inc. (“Hobby”).
2. Young conducted an inspection on October 29, 2021 and determined certain violations of the National Electric Code (“NEC”) were committed by Hobby.
3. The Department of Labor and Licensing staff recommended a hearing before the Board to determine if the alleged violations did indeed constitute violations of the current NEC.

4. Hobby was timely notified of his hearing before the Board which was held on Tuesday, January 18, 2022 at 1:00 p.m.
5. Hobby is currently licensed by the Board of Electrical Examiners.
6. The current electrical code adopted by the Board is the 2017 NEC.
7. Young testified to what he observed during his inspection, including improper underground wiring used on the job site and errors with the depth of installation.
8. Hobby testified that he followed the 2017 NEC and his work did not violate the most recent NEC requirements.
9. The Board acknowledged the complexity of this project and how Hobby may have deviated from the common practice.
10. On cross examination, Young testified about the common practice of similar projects which revealed that prior electrical codes included more stringent requirements than the 2017 NEC.
11. Hobby argued his work did not violate the current NEC requirements even if it may have deviated from the common practice.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 17-28-202(b)(2) provides that the Director of the Department of Labor or his or her designated employees shall have the authority to enter, during normal business hours, upon any private or public premises with right of access, ingress, and egress for the purpose of ascertaining whether a person has performed electrical work or installed or repaired electrical facilities in accordance with this chapter, the Arkansas Electrical Code Authority Act, § 20-31-101 et seq., and the regulations and standards adopted pursuant thereto.

2. The Board of Electrical Examiners adopted rules for administrative hearings. This procedure is developed to provide a process by which the Board formulates orders, including orders revoking a permit or license or making a final administrative determination regarding the imposition of a civil penalty or fine.
3. In the present case, the Board agrees Mr. Hobby deviated from the common practice under previous electrical codes which served as the basis of violations in the inspection report.
4. However, the Board acknowledges that the current language of the NEC does not require the exact same regulations of prior electrical codes.
5. The Board accepts the findings of Mr. Young's inspection report but grants a variance allowing Mr. Hobby to leave the work performed on the job site as it is.

IT IS THEREFORE ORDERED that Rick Hobby will not be penalized and may leave the work performed on England "C-Store" as is.

BOARD OF ELECTRICAL EXAMINERS,
DEPARTMENT OF LABOR AND LICENSING,
STATE OF ARKANSAS

By: Charlotte Bradley
Charlotte Bradley, Chairman

Date: 3-15-2022

Approved by:

/s/ David Gershner

David Gershner

Attorney at Law

Davidson Law Firm

/s/ Miles Morgan

Miles Morgan, 2017-049

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